



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB6071

Introduced 2/11/2010, by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

New Act

415 ILCS 5/3.227 new

415 ILCS 5/3.360

415 ILCS 5/56.1

was 415 ILCS 5/3.84

from Ch. 111 1/2, par. 1056.1

Creates the Home-Generated Sharps Management Act. Prohibits, beginning September 1, 2011, any person from knowingly placing home-generated sharps waste in certain containers. Provides that, beginning September 1, 2011, home-generated sharps waste must be transported for disposal only in a sharps container, or other containers approved by the Department, and delivered for disposal only at certain locations. Provides that, upon being delivered to those locations, home-generated sharps waste shall be deemed potentially infectious medical waste and may be disposed of by the owners and operators of those facilities as is provided in Title XV of the Environmental Protection Act. Defines "Agency", "construction or demolition debris", "Department", "home-generated sharps consolidation point", "home-generated sharps waste", "household hazardous waste", "household hazardous waste collection facility", "landscape waste", "roll-off container", "sharps container", and "solid waste". Amends the Environmental Protection Act to make corresponding changes.

LRB096 19446 JDS 34838 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Home-Generated Sharps Management Act.

6 Section 5. Legislative findings. The General Assembly  
7 finds and declares all of the following:

8 (1) The development of a safe, convenient, and  
9 cost-effective infrastructure for the collection of  
10 millions of home-generated sharps, and the public  
11 education programs to promote safe disposal of these  
12 sharps, will require a cooperative effort by the Illinois  
13 Department of Public Health, the Illinois Environmental  
14 Protection Agency, local governments, large employers,  
15 dispensing pharmacies, manufacturers of sharps, and the  
16 health care, solid waste, and pharmaceutical industries.

17 (2) Because mail-back programs utilizing containers  
18 that have been approved by the United States Postal Service  
19 offer one of the most convenient alternatives for the  
20 collection and destruction of home-generated sharps, local  
21 government and private sector stakeholders are encouraged  
22 to implement mail-back programs and to promote their use.

23 (3) Local governments, the Illinois Environmental

1 Protection Agency, the Illinois Department of Public  
2 Health, solid waste service providers, and manufacturers  
3 and dispensers of sharps are further encouraged to include  
4 information on their websites, and in other public  
5 materials, that identifies locations that accept  
6 home-generated sharps and provide information about  
7 available mail-back programs.

8 (4) It is the intent of the General Assembly that the  
9 Illinois Environmental Protection Agency and the Illinois  
10 Department of Public Health, to the extent resources are  
11 available, continue to monitor the State's progress in  
12 developing the infrastructure for the collection of  
13 home-generated sharps and inform the appropriate policy  
14 committees of any need for subsequent legislation to  
15 achieve the purposes of this Act.

16 Section 10. Definitions. As used in this Act, unless the  
17 context clearly indicates otherwise:

18 "Agency" means the Illinois Environmental Protection  
19 Agency.

20 "Construction or demolition debris" has the same meaning as  
21 under Section 3.160 of the Environmental Protection Act.

22 "Department" means the Illinois Department of Public  
23 Health.

24 "Home-generated sharps consolidation point" means a  
25 location or facility, including, for example, a sharps

1 collection station, that has been approved by the Agency,  
2 Department, or both as a point of consolidation for the  
3 collection of home-generated sharps waste for transport and  
4 treatment as potentially infectious medical waste.

5 "Home-generated sharps waste" means hypodermic needles,  
6 pen needles, intravenous needles, lancets, and other devices  
7 that are used to penetrate the skin for the delivery of  
8 medications and that have been discarded from a household,  
9 including a multifamily residence or household.

10 "Household hazardous waste" means any hazardous waste  
11 generated incidental to owning or maintaining a place of  
12 residence. "Household hazardous waste" does not include any  
13 waste generated in the course of operating a business at a  
14 residence.

15 "Household hazardous waste collection facility" means a  
16 facility operated by the Agency, Department, or one of their  
17 contractors, for the purpose of collecting, handling,  
18 treating, storing, recycling, or disposing of household  
19 hazardous waste.

20 "Landscape waste" has the same meaning as under Section  
21 3.270 of the Environmental Protection Act.

22 "Roll-off container" means a metal container with rails for  
23 solid wastes or recyclable materials that is customarily moved  
24 and emptied using heavy equipment, such as, but not limited to,  
25 roll-off hoist equipped trucks.

26 "Sharps collection station" has the same meaning as under

1 Section 3.458 of the Environmental Protection Act.

2 "Sharps container" means a rigid puncture-resistant  
3 container, which, when sealed, is leak-resistant and cannot be  
4 reopened without great difficulty.

5 "Solid waste" has the same meaning as under Section 3.470  
6 of the Environmental Protection Act.

7 Section 15. Prohibition on disposal of sharps.  
8 Notwithstanding any other provision of law, beginning  
9 September 1, 2011, no person shall knowingly place  
10 home-generated sharps waste in any of the following containers:

11 (1) Any container used for the collection of solid  
12 waste, recyclable materials, or landscape waste.

13 (2) Any container used for the commercial collection of  
14 solid waste or recyclable materials from business  
15 establishments.

16 (3) Any roll-off container used for the collection of  
17 solid waste, construction or demolition debris, landscape  
18 waste, or recyclable materials.

19 Section 20. Transportation of sharps. Notwithstanding any  
20 other provision of law, beginning September 1, 2011,  
21 home-generated sharps waste shall be transported for disposal  
22 only in a sharps container, or other container approved by the  
23 Department, and shall only be delivered for disposal at the  
24 following:

- 1 (1) A household hazardous waste facility.
- 2 (2) A home-generated sharps consolidation point.
- 3 (3) A facility owned or operated by a potentially  
4 infectious medical waste generator.
- 5 (4) A facility, approved by the Department, that receives,  
6 through mail-back containers, home-generated sharps waste for  
7 disposal.

8 Section 25. Disposal as potentially infectious medical  
9 waste. Upon being received by a household hazardous waste  
10 facility, a home-generated sharps consolidation point, a  
11 facility that generates potentially infectious medical waste,  
12 or a facility, approved by the Department, that receives,  
13 through mail-back containers, home-generated sharps waste for  
14 disposal, the home-generated sharps waste that is received  
15 shall be deemed potentially infectious medical waste and may be  
16 disposed of by the owners and operators of those facilities  
17 only as is provided in Title XV of the Environmental Protection  
18 Act.

19 Section 30. The Environmental Protection Act is amended by  
20 adding Section 3.227 and by changing Sections 3.360 and 56.1 as  
21 follows:

22 (415 ILCS 5/3.227 new)

23 Sec. 3.227. Home-generated sharps waste. "Home-generated

1 sharps waste" means hypodermic needles, pen needles,  
2 intravenous needles, lancets, and other devices that are used  
3 to penetrate the skin for the delivery of medications and that  
4 have been discarded from a household, including a multifamily  
5 residence or household.

6 (415 ILCS 5/3.360) (was 415 ILCS 5/3.84)

7 Sec. 3.360. Potentially infectious medical waste.

8 (a) "Potentially infectious medical waste" means the  
9 following types of waste generated in connection with the  
10 diagnosis, treatment (i.e., provision of medical services), or  
11 immunization of human beings or animals; research pertaining to  
12 the provision of medical services; or the production or testing  
13 of biologicals:

14 (1) Cultures and stocks. This waste shall include but  
15 not be limited to cultures and stocks of agents infectious  
16 to humans, and associated biologicals; cultures from  
17 medical or pathological laboratories; cultures and stocks  
18 of infectious agents from research and industrial  
19 laboratories; wastes from the production of biologicals;  
20 discarded live or attenuated vaccines; or culture dishes  
21 and devices used to transfer, inoculate, or mix cultures.

22 (2) Human pathological wastes. This waste shall  
23 include tissue, organs, and body parts (except teeth and  
24 the contiguous structures of bone and gum); body fluids  
25 that are removed during surgery, autopsy, or other medical

1 procedures; or specimens of body fluids and their  
2 containers.

3 (3) Human blood and blood products. This waste shall  
4 include discarded human blood, blood components (e.g.,  
5 serum and plasma), or saturated material containing free  
6 flowing blood or blood components.

7 (4) Used sharps. This waste shall include but not be  
8 limited to discarded sharps used in animal or human patient  
9 care, medical research, or clinical or pharmaceutical  
10 laboratories; home-generated sharps waste; hypodermic,  
11 intravenous, or other medical needles; hypodermic or  
12 intravenous syringes; Pasteur pipettes; scalpel blades; or  
13 blood vials. This waste shall also include but not be  
14 limited to other types of broken or unbroken glass  
15 (including slides and cover slips) in contact with  
16 infectious agents.

17 (5) Animal waste. Animal waste means discarded  
18 materials, including carcasses, body parts, body fluids,  
19 blood, or bedding originating from animals inoculated  
20 during research, production of biologicals, or  
21 pharmaceutical testing with agents infectious to humans.

22 (6) Isolation waste. This waste shall include  
23 discarded materials contaminated with blood, excretions,  
24 exudates, and secretions from humans that are isolated to  
25 protect others from highly communicable diseases. "Highly  
26 communicable diseases" means those diseases identified by

1 the Board in rules adopted under subsection (e) of Section  
2 56.2 of this Act.

3 (7) Unused sharps. This waste shall include but not be  
4 limited to the following unused, discarded sharps:  
5 hypodermic, intravenous, or other needles; hypodermic or  
6 intravenous syringes; or scalpel blades.

7 (b) Potentially infectious medical waste does not include:

8 (1) waste generated as general household waste;

9 (2) waste (except for sharps) for which the infectious  
10 potential has been eliminated by treatment; or

11 (3) sharps that meet both of the following conditions:

12 (A) the infectious potential has been eliminated  
13 from the sharps by treatment; and

14 (B) the sharps are rendered unrecognizable by  
15 treatment.

16 (Source: P.A. 92-574, eff. 6-26-02.)

17 (415 ILCS 5/56.1) (from Ch. 111 1/2, par. 1056.1)

18 Sec. 56.1. Acts prohibited.

19 (A) No person shall:

20 (a) Cause or allow the disposal of any potentially  
21 infectious medical waste. Sharps other than home-generated  
22 sharps waste may be disposed in any landfill permitted by the  
23 Agency under Section 21 of this Act to accept municipal waste  
24 for disposal, if both:

25 (1) the infectious potential has been eliminated from

1 the sharps by treatment; and

2 (2) the sharps are packaged in accordance with Board  
3 regulations.

4 (b) Cause or allow the delivery of any potentially  
5 infectious medical waste for transport, storage, treatment, or  
6 transfer except in accordance with Board regulations.

7 (c) Beginning July 1, 1992, cause or allow the delivery of  
8 any potentially infectious medical waste to a person or  
9 facility for storage, treatment, or transfer that does not have  
10 a permit issued by the agency to receive potentially infectious  
11 medical waste, unless no permit is required under subsection  
12 (g) (1).

13 (d) Beginning July 1, 1992, cause or allow the delivery or  
14 transfer of any potentially infectious medical waste for  
15 transport unless:

16 (1) the transporter has a permit issued by the Agency  
17 to transport potentially infectious medical waste, or the  
18 transporter is exempt from the permit requirement set forth  
19 in subsection (f) (1).

20 (2) a potentially infectious medical waste manifest is  
21 completed for the waste if a manifest is required under  
22 subsection (h).

23 (e) Cause or allow the acceptance of any potentially  
24 infectious medical waste for purposes of transport, storage,  
25 treatment, or transfer except in accordance with Board  
26 regulations.

1 (f) Beginning July 1, 1992, conduct any potentially  
2 infectious medical waste transportation operation:

3 (1) Without a permit issued by the Agency to transport  
4 potentially infectious medical waste. No permit is  
5 required under this provision (f) (1) for:

6 (A) a person transporting potentially infectious  
7 medical waste generated solely by that person's  
8 activities;

9 (B) noncommercial transportation of less than 50  
10 pounds of potentially infectious medical waste at any  
11 one time; or

12 (C) the U.S. Postal Service.

13 (2) In violation of any condition of any permit issued  
14 by the Agency under this Act.

15 (3) In violation of any regulation adopted by the  
16 Board.

17 (4) In violation of any order adopted by the Board  
18 under this Act.

19 (g) Beginning July 1, 1992, conduct any potentially  
20 infectious medical waste treatment, storage, or transfer  
21 operation:

22 (1) without a permit issued by the Agency that  
23 specifically authorizes the treatment, storage, or transfer of  
24 potentially infectious medical waste. No permit is required  
25 under this subsection (g) or subsection (d) (1) of Section 21  
26 for any:

1 (A) Person conducting a potentially infectious  
2 medical waste treatment, storage, or transfer  
3 operation for potentially infectious medical waste  
4 generated by the person's own activities that are  
5 treated, stored, or transferred within the site where  
6 the potentially infectious medical waste is generated.

7 (B) Hospital that treats, stores, or transfers  
8 only potentially infectious medical waste generated by  
9 its own activities or by members of its medical staff.

10 (C) Sharps collection station that is operated in  
11 accordance with Section 56.7.

12 (2) in violation of any condition of any permit issued  
13 by the Agency under this Act.

14 (3) in violation of any regulation adopted by the  
15 Board.

16 (4) In violation of any order adopted by the Board  
17 under this Act.

18 (h) Transport potentially infectious medical waste unless  
19 the transporter carries a completed potentially infectious  
20 medical waste manifest. No manifest is required for the  
21 transportation of:

22 (1) potentially infectious medical waste being  
23 transported by generators who generated the waste by their  
24 own activities, when the potentially infectious medical  
25 waste is transported within or between sites or facilities  
26 owned, controlled, or operated by that person;

1           (2) less than 50 pounds of potentially infectious  
2           medical waste at any one time for a noncommercial  
3           transportation activity; or

4           (3) potentially infectious medical waste by the U.S.  
5           Postal Service.

6           (i) Offer for transportation, transport, deliver, receive  
7           or accept potentially infectious medical waste for which a  
8           manifest is required, unless the manifest indicates that the  
9           fee required under Section 56.4 of this Act has been paid.

10          (j) Beginning January 1, 1994, conduct a potentially  
11          infectious medical waste treatment operation at an incinerator  
12          in existence on the effective date of this Title in violation  
13          of emission standards established for these incinerators under  
14          Section 129 of the Clean Air Act (42 USC 7429), as amended.

15          (B) In making its orders and determinations relative to  
16          penalties, if any, to be imposed for violating subdivision  
17          (A) (a) of this Section, the Board, in addition to the factors  
18          in Sections 33(c) and 42(h) of this Act, or the Court shall  
19          take into consideration whether the owner or operator of the  
20          landfill reasonably relied on written statements from the  
21          person generating or treating the waste that the waste is not  
22          potentially infectious medical waste.

23          (Source: P.A. 94-641, eff. 8-22-05.)